

FAS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 JAN -3 AM 10:50

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**Juan Manuel CASTELLANO-Rodriguez**  
(AKA: Carlos RODRIGUEZ)

Defendant.

Magistrate Case No. 08 MJ 0019

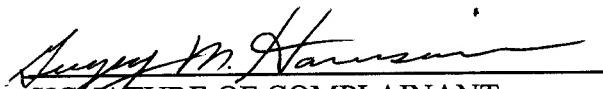
BY: *[Signature]* COMPLAINT FOR VIOLATION OF:

- ) Title 8, U.S.C., Section 1326;
- ) Deported Alien Found in the
- ) United States
- )
- )

The undersigned complainant, being duly sworn, states:

On or about, **December 24, 2007**, within the Southern District of California, defendant, **Juan Manuel CASTELLANO-Rodriguez** (AKA: **Carlos RODRIGUEZ**), an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 Gregory M. Harrison, Immigration &  
 Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 03rd DAY OF January 2008.

  
 UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

**CONTINUATION OF COMPLAINT:****NAME: CASTELLANO-Rodriguez, Juan Manuel (AKA: RODRIGUEZ, Carlos)**

FAX

**PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Monday, December 24, 2007, the defendant identified as Juan Manuel CASTELLANO-Rodriguez (AKA: Carlos RODRIGUEZ) was arrested by the Calexico Police Department, charged with Penal Code 666 "Petty Theft with a prior conviction" and booked into the Imperial County Jail. On Wednesday, December 26, 2007, while in the custody of county jail an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 immigration hold pending his release. On Wednesday, January 02, 2008, at approximately 8:00 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory M. Harrison reviewed various sources of information and conducted official record checks in regards to the defendant. A thorough review of the defendant's official immigration record revealed that he is a citizen and national of Mexico having been previously removed from the United States on at least four occasions.

A thorough review of official immigration computer database record checks and the alien registration file revealed the defendant has been removed from the United States to Mexico on or about May 19, 2000 via the Calexico Port of Entry, August 17, 2002 via the San Ysidro Port of Entry, July 21, 2005 via the San Ysidro Port of Entry and most recently on or about August 04, 2006 via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Juan Manuel CASTELLANO-Rodriguez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Juan Manuel CASTELLANO-Rodriguez (AKA: Carlos Rodriguez) has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.